

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**LESLIE-BURL McLEMORE;
CHARLES HOLMES;
JIMMIE ROBINSON, SR.; and
RODERICK WOULLARD**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:19-cv-383-DPJ-FKB

**DELBERT HOSEMANN, in his official capacity
as the Mississippi Secretary of State; and PHILIP
GUNN, in his official capacity as the Speaker of the
Mississippi House of Representatives**

DEFENDANTS

**MOTION TO DISMISS FOR LACK OF JURISDICTION AND IMMUNITY FILED BY
THE SPEAKER OF THE MISSISSIPPI HOUSE OF REPRESENTATIVES
AND THE MISSISSIPPI SECRETARY OF STATE**

Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(b)(7), Defendants Philip Gunn, in his official capacity as the Speaker of the Mississippi House of Representatives, and Delbert Hosemann, in his official capacity as the Mississippi Secretary of State, move the Court to dismiss Plaintiffs' Complaint with prejudice for lack of subject matter jurisdiction, failure to state a claim upon which relief can be granted, Eleventh Amendment Immunity and failure to join a necessary party under Federal Rule of Civil Procedure 19. Alternatively, Defendants request that the Court dismiss them as Defendants in this action and instead join Jim Hood, in his official capacity as Attorney General of the State of Mississippi, as defendant. In support, Defendants rely on the arguments and authorities set forth in their accompanying Memorandum of Law in Support of this Motion to Dismiss. Defendants additionally request such other and further relief as the Court deems just and appropriate under the circumstances.

Date: July 15, 2019.

Respectfully submitted,

**PHILIP GUNN, IN HIS OFFICIAL CAPACITY
AS THE SPEAKER OF THE MISSISSIPPI
HOUSE OF REPRESENTATIVES, AND
DELBERT HOSEMAN, IN HIS OFFICIAL
CAPACITY AS THE MISSISSIPPI
SECRETARY OF STATE**

By: /s/ Trey Jones
Trey Jones
One of Their Attorneys

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CERTIFICATE OF SERVICE

I, Trey Jones, hereby certify that on July 15, 2019, I caused the foregoing pleading to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record and registered participants.

/s/ Trey Jones
Trey Jones
One of the Attorneys for the Defendants